

PARTS 61-1—61-249 [RESERVED]

PART 61-250—ANNUAL REPORT FROM FEDERAL CONTRACTORS

Sec.

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APPENDIX A—FEDERAL CONTRACTOR VETERANS' EMPLOYMENT REPORT VETS-100

AUTHORITY: 38 U.S.C. 4211 (2001) and 38 U.S.C. 4212 (2001).

SOURCE: 73 FR 65768, Nov. 5, 2008, unless otherwise noted.

§ 61-250.1 What are the purpose and scope of this part?

(a) This part 61-250 implements 38 U.S.C. 4212(d) (2001). Each contractor or subcontractor with a contract in the amount of \$25,000 or more entered into before December 1, 2003, with any department or agency of the United States for the procurement of personal property and non-personal services (including construction), and who is subject to 38 U.S.C. 4212(a) and the Office of Federal Contract Compliance Programs (OFCCP) regulations at 41 CFR part 60-250, must submit a report according to the requirements of § 61-250.10, except that the contractor or subcontractor must submit a report according to the requirements of § 61-300.10, not § 61-250.10, if such a contract is modified on or after December 1, 2003, and the contract as modified is in the amount of \$100,000 or more.

(b) Notwithstanding the regulations in this part, the regulations at 41 CFR part 60-250, administered by OFCCP, continue to apply to the affirmative action obligations of contractors and subcontractors with contracts entered into before December 1, 2003 (and not modified as described in paragraph (a) of this section).

(c) Reporting requirements of this part regarding veterans will be deemed waived in those instances in which the Deputy Assistant Secretary, OFCCP, has granted a waiver under 41 CFR 60-250.4(b)(1), or has concurred in granting a waiver under 41 CFR 60-250.4(b)(2), from compliance with all the terms of the equal opportunity clause for those establishments not involved in government contract work. Where OFCCP grants only a partial waiver, compliance with these reporting requirements regarding veterans will be required.

(d) 41 CFR 60-250.42 and Appendix B to part 60-250 provide guidance concerning the affirmative action obligations of Federal contractors and subcontractors with contracts entered into before December 1, 2003, (and not modified as described in paragraph (a) of this section), with respect to applicants for employment who are protected veterans.

§ 61-250.2 What definitions apply to this part?

(a) For purposes of this part, and unless otherwise indicated in paragraph (b) of this section, the terms set forth in this part have the same meaning as set forth in 41 CFR part 60-250.

(b) For purposes of this part:

(1) *Hiring location* (this definition is identical to establishment as defined by the instructions for completing Employer Information Report EEO-1, Standard Form 100 (EEO-1 Report)) means an economic unit which produces goods or services, such as a factory, office, store, or mine. In most instances the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity. Units at different locations, even though engaged in the same kind of business operation, should be reported as separate establishments. For locations involving construction, transportation, communications, electric, gas, and sanitary services, oil and gas fields, and similar types of physically dispersed industrial activities, however, it is not necessary to list separately each individual site, project, field, line, etc., unless it is treated by